

EXHIBIT H

EXHIBIT 68
UNREDACTED VERSION
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

Case No.

ARISTA NETWORKS, INC.,

5:14-cv-5344-BLF

Defendant.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

SUBJECT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF MARK FOSS,

VOLUME I

February 4, 2016

9:32 a.m. - 6:36 p.m.

555 California Street, Suite 1300

Redwood Shores, California

REPORTED BY:

James Beasley

CSR No. 12807, CCR No. 835, RPR

February 04, 2016

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1 used.

2 BY MS. CANDIDO:

3 Q. Which colleagues told you to use the
4 language "industry standard CLI"?

5 A. I don't remember specifically. It was
6 eight years ago. But it was colleagues within
7 Arista.

8 Q. At that point in time you were reporting
9 to Mr. Duda; is that correct?

10 A. Uh-huh, correct.

11 Q. Would it have been Mr. Duda who told you
12 to use the language "industry standard CLI"?

13 A. Possibly.

14 Q. Well, wasn't it the case that Mr. Duda
15 used the phrase "industry standard CLI" to refer to
16 Cisco's CLI?

17 A. I don't know.

18 Q. If Mr. Duda testified that he used the
19 phrase "industry standard CLI" to refer to Cisco's
20 CLI, would you have any reason to challenge that?

21 MR. FERRALL: Objection. Incomplete
22 hypothetical. Calls for speculation. Lacks
23 foundation.

24 THE WITNESS: Do I have to answer?

25 MR. FERRALL: You can answer to the extent

1 you understand the question.

2 THE WITNESS: Oh.

3 I -- I don't -- I don't really know.

4 BY MS. CANDIDO:

5 Q. Did -- do you have any basis for -- strike
6 that.

7 To your knowledge, did Cisco ever advance
8 its CLI as an industry standard?

9 A. I don't know.

10 Q. To your knowledge, is there a standard
11 setting organization for command-line interfaces?

12 A. Not to my knowledge.

13 Q. Do you understand what standard setting
14 organizations are?

15 A. I understand a few of the standard
16 organizations, yes.

17 Q. Your data sheet for Arista's products
18 identifies the standards set by standards setting
19 organizations that Arista's products are compliant
20 with, correct?

21 A. Yes. The IEEE would be the main one I'm
22 familiar with, yeah.

23 Q. And there's no CLI-related industry
24 standard set by a standard setting body that's
25 identified as a standard that Arista's products are

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1 complying with, correct?

2 A. I'm not aware.

3 MR. FERRALL: Objection.

4 THE WITNESS: Oh, sorry.

5 MR. FERRALL: Vague and ambiguous. Lacks
6 foundation.

7 THE WITNESS: I'm -- I'm not aware.

8 BY MS. CANDIDO:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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